

*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358*

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

February 1, 2022

**THE POLISH CLUB OF NORTH ABINGTON INC.
55 WALES STREET
ABINGTON, MA 02351
LICENSE#: 00020-CL-0002
HEARD: 11/17/2021**

After a hearing on November 17, 2021, the Commission finds The Polish Club of North Abington Inc. violated M.G.L. c. 10 § 33, 961 CMR 2:20 (1).

Therefore, the Commission **INDEFINITELY SUSPENDS** the license of The Polish Club of North Abington Inc. **effective forthwith** until further written order of the Commission.

The Commission will not issue any further order without a written request from the Licensee showing good cause to reconsider this indefinite suspension and a hearing before the Commission that the Licensee attends. Good cause for the Commission to consider issuing a further written order revising the order of Indefinite Suspension will include, but not be limited to, the Licensee making payment to the Massachusetts State Lottery for the amount owed.

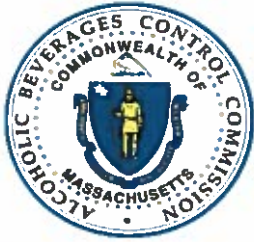
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Jack Carey, Investigator
John DeSimas, Lottery, Credit & Collections
Raskin Bhatta, Lottery, Collections Analyst
Christian Gonsalves, Lottery, Legal Dept.
Administration, File



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
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Jean M. Lorizio, Esq.
Chairman

DECISION

**THE POLISH CLUB OF NORTH ABINGTON INC.
55 WALES STREET
ABINGTON, MA 02351
LICENSE#: 00020-CL-0002
HEARD: 11/17/2021**

The Polish Club of North Abington Inc. ("Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a remote hearing via Microsoft Teams on Wednesday, November 17, 2021, regarding an alleged violation of M.G.L. c. 10 § 33, 961 CMR 2:20 (1) – All tickets provided to the Licensed Sales Agent by the Lottery¹, and all proceeds from the sale of such tickets, shall at all times remain the exclusive property of the Lottery. All such proceeds shall be deposited by the Sales Agent into the trust account established pursuant to 961 CMR 2.16 (1), at such times and on such terms as the Director may from time to time require.

The following documents are in evidence:

1. Investigator Carey's Report;
2. ABCC Form 43 License Approval, 11/7/1963;
3. ABCC Decision, 11/1/1989;
4. ABCC Decision, 7/8/1975;
5. Massachusetts State Lottery Packet.

There is one (1) audio recording of this hearing.

FINDINGS OF FACT

1. John DeSimas, Director of Credit and Collections for the Lottery contacted the ABCC's Enforcement Division seeking assistance in bringing this former state lottery sales agent into compliance. (Exhibit 1)

¹ Massachusetts State Lottery Commission is commonly referred to as "the Lottery."

2. On September 10, 2021, the Alcoholic Beverages Control Commission notified the Licensee, via first class mail, that a hearing would be held on Wednesday, November 17, 2021, at 10:30 a.m., regarding an alleged violation of M.G.L. c. 10 § 33, 961 CMR 2:20.
 3. On Wednesday, November 17, 2021, a violation hearing, scheduled for 10:30 a.m., was held. The Commission waited until approximately 10:35 a.m. prior to commencing the hearing. (Commission Records)
 4. The Licensee failed to appear at the Commission hearing. Id.
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5. Attorney Christian Gonsalves appeared on behalf of the Massachusetts State Lottery (the "Lottery") and informed the Commission the Licensee owes the Lottery \$7,598.17. (Exhibits 1, 5)
 6. Mr. DeSimas appeared at the Commission's hearing. He testified the Licensee missed a payment in March of 2020 when the Lottery attempted to withdraw funds from his account but were unable to do so. When the Licensee failed to make good on that payment, its lottery license was suspended. In August of 2020 the Lottery collected all Lottery tickets in the possession of the Licensee and at that time the Licensee agreed to a voluntary termination of the lottery license. The Lottery has sent numerous detailed invoices and bills to the Licensee but has not received any response. Id.

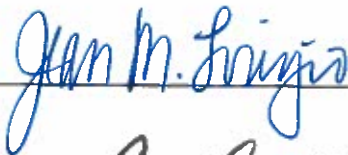
CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 10 § 33, 961 CMR 2:20 (1). Therefore, the Commission **INDEFINITELY SUSPENDS** the license of The Polish Club of North Abington Inc. **effective forthwith** until further written order of the Commission.

The Commission will not issue any further order without a written request from the Licensee showing good cause to reconsider this indefinite suspension and a hearing before the Commission that the Licensee attends. Good cause for the Commission to consider issuing a further written order revising the order of Indefinite Suspension will include, but not be limited to, the Licensee making payment to the Massachusetts State Lottery for the amount owed.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah Baglio, Commissioner



Dated: February 1, 2022

You have the right to appeal this decision to the Superior Courts under the provisions of Chapter 30A of the Massachusetts General Laws within thirty (30) days of receipt of this decision.

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